

Remarks

Claim 1 is cancelled and claims 2, 3 and 9 are amended. Claims 2 to 9 are pending in this application of which only claims 2 and 9 are in independent form.

Claims 1 and 3 were rejected under 35 USC 112, second paragraph, as being indefinite for the reasons set forth on page 2, paragraph 4, of the action. Claim 2 is amended herein to incorporate the subject matter of claim 1 and to provide an antecedent basis for the term "actual speed".

Claim 3 was objected to because there were two unknowns, namely, the output quantity of a drive unit and a first value. Claim 3 is amended herein to provide an antecedent basis for the output quantity supplied by the drive unit. As to the first value, this is a value of the drive unit which is set for an overrun operation in the particular gear stage in which the transmission finds itself at the time, that is, in the particular gear stage which is then engaged. Accordingly, applicant respectfully submits that the first value of the output unit functions in the manner of a threshold and is known for each of the gear stages of the transmission.

In view of the above, the claims should now be definite as required by the statute.

Claim 9 was not otherwise objected to and is amended herein to incorporate therein all the features and limitations of claims 1, 2 and 7 from which it had depended so that this claim should now be in condition for allowance.

Claim 2 had been rejected under 35 USC 102(b) as being anticipated by Nakamura. The following will show that claim 2, as amended, patentably distinguishes the applicant's invention over this reference.

Nakamura discloses a vehicle cruise control wherein a transmission downshift is executed in the case where there is a difference amount between a desired speed and an actual speed which lies above a predetermined value  $\alpha_1$  (abstract and column 8, lines 44 to 53). With this transmission downshift, an engine braking torque is generated via which the above-mentioned difference amount between the desired and actual speeds is reduced (column 10, lines 4 to 11). In addition to this engine braking effect generated by the transmission downshift, Nakamura, however, does not disclose the driving of a brake system of the vehicle which decelerates the vehicle independently of a transmission downshift and therefore independently of braking by the engine. In Nakamura, the vehicle brake (brake switch 7) is mentioned only in connection with the deactivation of the vehicle cruise controller which results from the actuation of the brake pedal (column 4, lines 51 and 52, and column 5, lines 30 to 32).

In contrast to Nakamura, applicant's claim 2 provides the feature and limitation of:

"additionally driving a brake system  
of said vehicle to reduce said actual  
speed."

With this feature of the applicant's invention, the brake system of the vehicle (which is activated by the vehicle speed control for causing the actual speed to track the desired speed) can be relieved of load via a transmission downshift and

therefore avoid the wear of the brake system and an overheating thereof.

In view of the above, applicant submits that claim 2 should now patentably distinguish his invention over Nakamura and be allowable. The remaining claims 3 to 8 are all dependent from claim 2 so that they too should be allowable.

Reconsideration of the application is earnestly solicited.

Respectfully submitted,



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